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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/822,159	04/12/2004	John Hevesi	22306.0101PTUS	2644
41434	7590	11/10/2005		
PATTON BOGGS LLP 2550 M STREET NW WASHINGTON, DC 20037-1350			EXAMINER SWINEHART, EDWIN L	
			ART UNIT 3617	PAPER NUMBER
DATE MAILED: 11/10/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/822,159

Applicant(s)

HEVESI ET AL.

Examiner

Ed Swinehart

Art Unit

3617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 25 August 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_

### DETAILED ACTION

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 11, 12, 16 and 17 are rejected under 35 U.S.C. 102(b) as being anticipated by Heap.

Heap shows a hand grip attached to an oar shaft having other than a circular profile. Such a shape would inherently provide an interlocking as claimed.

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 13 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Heap in view of Bruce.

Heap teaches bent portions, but fails to disclose the degree of the bends.

Bruce teaches a bent shaft.

It would have been obvious to one of ordinary skill in the art at the time of the invention to provide bent shaft portions to Heap as taught by Bruce.

Such a combination would have been desirable at the time the invention was made so as to provide a more ergonomic shape.

5. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Heap in view of Gunnell.

Heap fails to disclose a molded composite material.

Gunnell teaches composite construction.

It would have been obvious to one of ordinary skill in the art at the time of the invention to construct the oar of Heap from composite as taught by Gunnell.

Such a combination would have been desirable at the time the invention was made so as to provide a light yet strong shaft.

Re "molded", such is method of making, carrying no weight in these apparatus claims.

6. Claims 1-6, 10 and 18-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Abbenhouse et al. in view of Heap.

Abbenhouse et al. discloses an inner "skeleton" **38,43** covered top and bottom by a skin, and attached to shaft as claimed. Abbenhouse et al. fails to show a grip as is old and well known in the art.

Heap is discussed above.

It would have been obvious to one of ordinary skill in the art at the time of the invention to provide Abbenhouse et al. a grip as taught by Heap.

Such a combination would have been desirable at the time of the invention so as to provide a sure grip for the user.

Re "injection molded", such is method of making, carrying no weight in the claims.

The exact plastic used in the construction is considered to have been an obvious design consideration.

Re "wing shaped", such fails to define any specific structure and/or arrangement so as to define over Abbenhouse et al.

7. Claims 7 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Heap in view of Abbenhouse et al. in view of Heap as applied to claim 1 above, and further in view of Bruce.

Bruce is applied as above.

8. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Abbenhouse et al. in view of Heap as applied to claim 1 above, and further in view of Gunnell.

Gunnell is applied as above.

9. Applicant's arguments filed 8/25/2005 have been fully considered but they are not persuasive.

Applicant argues that Heap fails to disclose the claimed "interlock" arrangement as set forth in claim 11. Applicant's remaining arguments re the dependent claims generally stand or fall with claim 11.

As the examiner previously pointed out in the first office action, since the shaft can be of other than a circular cross-section, such an interlocking shape/arrangement is therefore inherent.

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

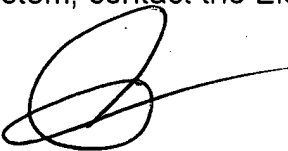
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Murdock and Wisbrod show skeletons.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ed Swinehart whose telephone number is 571-272-6688. The examiner can normally be reached on Monday through Thursday 6:30 am to 2:00 pm..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Samuel Morano can be reached on 571-272-6684. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Ed Swinehart  
Primary Examiner  
Art Unit 3617